



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 05/04/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP (MD) . No.4838 of 2022

Anandharaj

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Koodakovil Police Station,
Madurai District.
(Crime No.9 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Sivaprakash S, Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

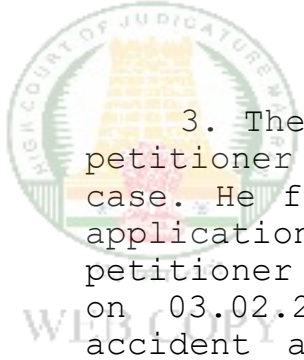
PRAYER :-

For Anticipatory Bail in Crime No.9 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 of IPC r/w 21(5) of Mines and Minerals Regulation Development Act, 1957, in Crime No.9 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 21.01.2022, at about 10.30 am, based on a secret information, the defacto complainant and his assistant went to Kombadi water stream. At that time, the petitioner along with other accused said to have loaded the odai sand in a Tipper Lorry bearing Registration No.TN-72-BR-3759 by using JCB bearing Registration No.TN-67-AE-6492 without any proper permission from the government. Hence, present case has been registered against the petitioner.



3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that this is a second anticipatory bail application. Earlier anticipatory bail application filed by the petitioner in Crl.OP(MD)No.1581 of 2022 was dismissed by this Court, on 03.02.2022. On 10.01.2022, the petitioner met with a bike accident and he was admitted as inpatient in Rajaji Government Hospital, Madurai, till 20.01.2022, 05.00 p.m. But, FIR has been registered on 21.01.2022. After verifying the medical documents and nature of head injury, they sent the petitioner back to his house. Now, the petitioner is undergoing to the periodical medical treatment. Hence, he seeks to grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent police would submit that Earlier anticipatory bail application, filed by the petitioner was dismissed by this Court, on the ground that the petitioner is having similar case of this nature.

5. It is seen that this petition has been filed on the ground that the petitioner was admitted in the hospital on 12.01.2022, due to haemorrhage in the head region and he was discharged on 17.01.2022. This occurrence said to have taken place on 21.01.2022 and he has also enclosed the treatment particulars. The involvement of the petitioner in the said occurrence is a matter for investigation.

6. Considering the facts and circumstances of the case and also considering the fact the health condition of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Special Court for MMDR Act Cases, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-

05/04/2022

/ TRUE COPY /

/ /2022

Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE SPECIAL COURT FOR
FOR MINES AND MINERALS REGULATION
DEVELOPMENT ACT CASES, MADURAI.
2. THE INSPECTOR OF POLICE,
KODAKOVIL POLICE STATION,
MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.4838 of 2022

Date :05/04/2022

SP/SVR/SAR II/12/04/2022/3P/4C